

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DUNKEL *et al.*

Appl. No.: 10/597,723

§ 371 (c) Date: May 16, 2007

For: **Haloalkyl Carboxamides**

Confirmation No.: 5407

Art Unit: 1621

Examiner: Shailendra Kumar

Atty. Docket: 2400.0680000/RWE/L-Z

**First Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on August 25, 2008, in connection with the above-captioned application.

Copies of documents **FP18-FP19** and **NPL14-NPL15** are submitted herewith. In accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, **US1** to **US25**, cited on the attached IDS Form, PTO/SB/08A, are not submitted. In addition, copies of documents **NPL16-NPL17** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent

application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

U.S. Application No. 10/584,027 inventors Linker, Karl-Heinz *et al.*, filed December 18, 2004; not yet published; listed as document **NPL16**; and

U.S. Application No. 10/581,348 inventors Funke, Christian *et al.*, filed November 20, 2004; not yet published; listed as document **NPL17**.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1**, **FP2**, **FP4**, **FP5**, **FP15** and **FP17** were cited in a previous Information Disclosure Statement filed on August 25, 2008:

Document **FP1**, DE 2 006 472 A, is in the foreign language. Document **FP18**, GB 1 303 844 A1, is believed to be an English language equivalent of document **FP1**.

Document **FP2**, DE 2 409 011 A, is in the foreign language. Document **US1**, 3,978,091, is believed to be an English language equivalent of document **FP2**.

Document **FP4**, EP 0 545 099 A2, is in the foreign language. Document **US2**, 5,330,995, is believed to be an English language equivalent of document **FP4**.

Document **FP5**, EP 0 591 699 A1, is in the foreign language. Document **FP19**, CA 2 106 497 A1, is believed to be an English language equivalent of document FP5.

Document **FP15**, EP 0 589 301 B1, is in the foreign language. Document **US3**, 5,438,070, is believed to be an English language equivalent of document FP15.

Document **FP17**, WO 03/010149 A1, is in the foreign language. Document **US4**, 7,538,073 B2, is believed to be an English language equivalent of document FP17.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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